

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:14-CR-64-CWR-FKB-1

MARVIN R. BROWN

DEFENDANT

ORDER

Before the Court is Marvin R. Brown's emergency motion for compassionate release. Docket No. 127. After reviewing the parties' thorough submissions, the Court concludes that the motion should be denied.

Assuming that Mr. Brown can get past all of the procedural hurdles, the undersigned is not persuaded that the § 3553(a) factors warrant relief. Mr. Brown's charges were very serious, he did not accept responsibility for his actions, and he has served only approximately six out of the 20 years to which he was sentenced in this cause number.¹

Mr. Brown's counsel has presented evidence that her client has taken meaningful and significant steps to improve his life via BOP-provided courses. The Court hopes that is the case and that those efforts continue. As it stands, however, the undersigned finds that release at this time, which would constitute a six-year sentence in total, would not "reflect the seriousness of the offense, . . . promote respect for the law, and . . . provide just punishment for the offense." 18 U.S.C. § 3553(a)(2)(A).

Mr. Brown lives in one of BOP's hardest-hit facilities; as of June 9, 2020, coronavirus has killed at least eight inmates at FCI Oakdale. *See* Bureau of Prisons, *COVID-19*, <https://www.bop.gov/coronavirus/> (last accessed June 9, 2020). And as a diabetic, Mr. Brown

¹ The Court does not attempt to limit any ruling Judge Bramlette may make in Mr. Brown's other case.

falls into one of the categories of at-risk individuals that the BOP considers for placement in home confinement. *Compare* Docket No. 134-6 at 2 (BOP memo assessing, as a factor for home confinement, “vulnerability of the inmate to COVID-19, in accordance with the CDC guidelines”) *with* Centers for Disease Control and Prevention, *People Who Are at Higher Risk for Severe Illness*, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last accessed June 10, 2020) (“People with diabetes”). He does not, however, meet certain other criteria BOP uses to evaluate whether one is appropriate for release. BOP may choose to take other steps which might benefit Brown, but that is a decision reserved to prison management, not this Court. *See, e.g.*, 18 U.S.C. § 3622.

The motion is denied.

SO ORDERED, this the 11th day of June, 2020.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE